

CHAPTER NO. 105

SENATE BILL NO. 272

By Burchett, Burks

Substituted for: House Bill No. 1401

By Harry Brooks, Black, Lynn

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, relative to access to certain student disciplinary records maintained by institutions of higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a)(4), is amended by designating the present language as subdivision (A) and by adding the following as new subdivisions:

(B) Nothing in this section shall be construed to prohibit an institution of post-secondary education from disclosing to an alleged victim of any crime of violence (as that term is defined in § 18 U.S.C. 16), or a nonforcible sex offense the final results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime or offense with respect to such crime or offense.

(C) Nothing in this section shall be construed to prohibit an institution of post-secondary education from disclosing the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence (as that term is defined in § 18 U.S.C. 16), or a nonforcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense.

(D) For the purpose of this section, the final results of any disciplinary proceeding:

(i) Shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student; and

(ii) May include the name of any other student, such as a victim or witness, only with the written consent of that other student.

(E) Nothing in this section may be construed to prohibit an educational institution from disclosing information provided to the institution under Tennessee Code Annotated, Section 40-39-106, concerning registered sex offenders who are required to register under Section 40-39-103.

(F) Nothing in this section shall be construed to prohibit an institution of higher education from disclosing to a parent or legal guardian of a student information regarding any violation of any federal, state, or local law, or of any rule or policy of the


institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if:

- (i) The student is under the age of twenty-one (21); and
- (ii) The institution determines that the student has committed a disciplinary violation with respect to such use or possession.

SECTION 2. This act shall take effect ninety (90) days after becoming a law, the public welfare requiring it.

PASSED: April 24, 2003


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 12th day of May 2003


PHIL BREDESEN, GOVERNOR